

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BENJAMIN J. DELO,

Plaintiff,

-against-

FORDHAM UNIVERSITY,

Defendant.

1:24-CV-6236 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff Benjamin J. Delo, who is appearing *pro se*, brings this action under the court's federal question jurisdiction. For the following reason, the Court dismisses this action without prejudice.

Plaintiff has previously submitted to this court a virtually identical complaint against the same defendant. The civil action that was commenced by the filing of that complaint is presently pending before the Court. *See Delo v. Fordham Univ.*, No. 1:24-CV-6025 (LTS) (S.D.N.Y.). As this action raises the same claims as in *Delo*, No. 1:24-CV-6025 (LTS), no useful purpose would be served by litigating this duplicative action. The Court therefore dismisses this duplicative action without prejudice to Plaintiff's pending action, *Delo*, No. 1:24-CV-6025 (LTS).

CONCLUSION

The Court dismisses this action without prejudice as duplicative of *Delo v. Fordham Univ.*, No. 1:24-CV-6025 (LTS) (S.D.N.Y.).

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court directs the Clerk of Court to enter a judgment dismissing this action without prejudice for the reason set forth in this order.

SO ORDERED.

Dated: August 20, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge